

Claim 1 has been amended to incorporate the clarifying language relative to "wherein each overprinting swath is of a different colour to the previously printed swath which it overprints." All of the claim amendments herein are made to overcome this objection and to more clearly set forth the claimed subject matter. The claims have not been amended herein to overcome any prior art rejection.

### **Claim Rejections**

Claims 1-40 were rejected over one or more of Helinski et al. U.S. Patent No. 5,724,079 and Hawkins et al. U.S. Patent No. 5,710,582. By the present amendment, claims 1-40 remain pending. Applicant respectfully requests reconsideration of the claim rejections in light of the above amendments and following remarks.

The rejection of claims 1-10, 12-34, and 36-40 as being anticipated by Helinski et al. is respectfully but strongly traversed. Reconsideration is requested.

In contrast to the claimed invention, Helinski discloses a printhead that can print black characters utilizing both black ink and color ink simultaneously. Helinski also discloses the ability to print color characters as described at column 5, line 54, through column 6, line 5 and at column 7, lines 16-46. Helinski clearly fails to disclose printing pixels in swaths of different color on one print pass or first relative traverse of the printhead and then, in a further relative traverse, printing further swaths which at least partially overprint the previously printed swaths, *where each overprinting swath is of a different color to the previously printed swath which it overprints.*

Independent claims 1 and 17 each recite the above noted limitations which are not found anywhere in the Helsinki disclosure. Helinski fails to teach or suggest at least these claim limitations. It is fundamental patent law that, in order to anticipate a claim, a reference

must disclose each and every element of the claim. Because Helinski fails to teach every element of claims 1 and 17, the anticipation rejection of these independent claims and of the corresponding dependent claims should be withdrawn.

The rejection of claims 11 and 35 as being obvious over Helinski in view of Hawkins is also respectfully traversed. Reconsideration of this rejection is also requested.

Hawkins fails to supply the deficiencies of Helinski as noted above. In particular, Hawkins teaches only printing of a black character document from a full width black printer or a color character document from the full partial width color scanning assemblies disclosed within the reference. As with the Helinski patent, Hawkins also fails to teach printing swaths of different color in a first relative traverse and, in a further relative traverse, printing further swaths which at least partially overprint the previously printed swaths, *where each overprinting swath is of a different color to the previously printed swath which it overprints.*

The combined teachings of Helinski and Hawkins therefore also fail to render obvious claims 1-40 of the instant application. No reference or combination of references has been cited that teaches every limitation of independent claims 1 and 17 and the corresponding dependent claims. Applicant therefore requests reconsideration and withdrawal of the rejections of claims 1-40.

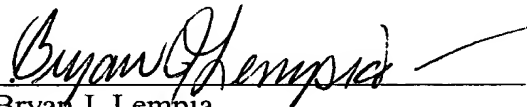
In the final action, the examiner stated that the claims did not recite the features relied upon by the applicant, i.e., "overlapping swaths of different colors in a previous and a subsequent printing traverse." Applicant believes claims 1 and 17 as originally filed (paragraph (c) of claim 1 and lines 7-9 of claims 17) and as amended herein recite the features relied upon. The present amendment to claims 1 and 17 and the supporting remarks are presented to further illuminate this assertion.

As required under 37 C.F.R. §116, the applicant sets forth that the amendments presented herein are made to incorporate language suggested by the examiner in the final office action and therefore were not earlier presented. The applicant respectfully requests that this amendment be entered and considered based upon this showing.

For the foregoing reasons, it is urged that the presently pending claims 1-40, as amended, are in condition for allowance, and an early indication to that effect is solicited. Should the examiner wish to discuss the foregoing or any other matter in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN  
6300 Sears Tower  
233 S. Wacker Drive  
Chicago, Illinois 60606  
Tel.: (312) 474-6300  
Fax: (312) 474-0448

  
Bryan J. Lempia  
Reg. No. 39,746

October 30, 2000